IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revision No. 2138 of 2002
Date of Decision: May 08, 2007.

Premu

....**Petitioner**

through
Mr. B.S. Dhillon, Advocate

Versus

Kukan and ors.

...**Respondents**
through
Mr. Anil Rathee, AAG, Haryana.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This revision petition is directed against the judgment and order dated 14.6.2002 passed by learned Judicial Magistrate Ist Class, Ambala Cantt, whereby, the respondents have been acquitted in a case arising out of FIR No.73 dated 8.4.1992, under Sections 148/323/325/506 read with Section 149 IPC, registered at Police Station Mullana, District Ambala.

On a bare perusal of impugned judgment, it is apparent that the prosecution was harping upon PW-8 Prabhu Ram- alleged eye witness to the occurrence. The said witness, however, in his cross-examination has failed to give the names of all the accused persons. He has also admitted the fact that the complainant party had also inflicted injuries on the accused and that there was a

dispute with regard to possession over the subject property. The learned Judicial Magistrate, in reference to the entries in the revenue record, has further observed that since it is not discernible as to which party was in actual physical possession of the subject land, it cannot be said that the respondents were the aggressors. The learned trial Court has also held that it was a case of free fight in which both the parties received injuries and that the prosecution case is full of discrepancies.

Neither any meaningful argument has been advanced to controvert the above noticed conclusions, nor the petitioner has pointed out that the findings recorded by the learned trial Court are based upon mis-reading of evidence.

Consequently, I do not find any merit in this revision petition, and the same is, accordingly, dismissed.

May 08, 2007. **(SURYA KANT)**
sanjeev **JUDGE**